

REMARKS

Claims 1–10 and 13–19 are pending in this application. By this Amendment, claims 1–10 are amended, and claim 19 is added. Support for the amendments to claims 1–10 can be found, for example, in original claims 1–10. No new matter is added. The amendments to claims 1–10 are made solely to improve the clarity of the claims. In view of the foregoing amendments and following remarks, reconsideration and allowance are respectfully requested.

Rejections Under 35 U.S.C. §112, Second Paragraph

The Office Action rejects claims 6, 7, 9, 10, and 13–18 as indefinite under 35 U.S.C. §112, second paragraph.

Although Applicants do not necessarily agree with the rejections, claims 1–10 are amended to more clearly set forth the subject matter of the claims. The amended claims clearly set forth the metes and bounds of the invention.

Accordingly, reconsideration and withdrawal of the rejections are respectfully requested.

Rejections Under 35 U.S.C. §102**A. Schipfer**

The Office Action rejects claims 1–10 and 13–18 under 35 U.S.C. §102(b) over U.S. Patent No. 4,563,515 to Schipfer et al. ("Schipfer"). Applicants respectfully traverse the rejection.

Claim 1, in part, recites:

(b) reacting the polyamine-derived compound with an amine modifier and at least one amine-specific reagent to form an intermediate, the amine-specific reagent having at least two amine-specific functional groups, and the amine modifier being given by formula III:



...

It is well settled that a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *See* MPEP §2131.

Schipfer does not disclose the process of step 1. Schipfer does not disclose an amine modifier that meets the requirements of claim 1. Therefore, Schipfer cannot be said to anticipate claim 1.

Schipfer does not disclose the polyamine derivative as defined by claim 9. Despite the Office Action's assertion that Schipfer inherently discloses the structure as set forth in Formula II as recited in claim 9, Schipfer cannot be said to anticipate claim 9. As acknowledged in the Office Action, Schipfer does not disclose a formula for a polyamine derivative. Claim 9 is not a method claim or a product-by-process claim. The assertion that Schipfer discloses a process as recited in some other claim of the present application, whether true or not, has absolutely no relevance as to the examination and patentability of claim 9.

Schipfer does not anticipate claims 1 and 9. Claims 2-8, 10 and 13-18 depend variously from claims 1 and 9 and, thus, also are not anticipated by Schipfer. Accordingly, reconsideration and withdrawal of the rejection are respectfully requested.

B. Jacobs

The Office Action rejects claims 1, 2, 5, 9, 10, 14, 15, 17, and 18 under 35 U.S.C. §102(b) over U.S. Patent No. 4,897,435 to Jacobs et al. ("Jacobs"). Applicants respectfully traverse the rejection.

Claim 1 is amended to contain the subject matter of claim 8, which is not rejected under 35 U.S.C. §102(b) over Jacobs. Jacobs does not expressly or inherently describe each and every element of claim 1. Therefore, Jacobs cannot be said to anticipate claim 1 as amended.

The Office Action asserts that the product of reaction (2) disclosed by Jacobs (*see* column 3, line 61 to column 4, line 5) discloses the structure as set forth in Formula II as recited in claim 9. However, the structure of Formula II includes a tertiary amine, whereas the structure of Jacobs contains no tertiary amines. Thus, the two structures cannot be the same, and Jacobs cannot be said to anticipate claim 9.

Jacobs does not anticipate claims 1 and 9. Claims 2, 5, 10, 14, 15, 17, and 18 depend variously from claims 1 and 9 and, thus, also are not anticipated by Jacobs. Accordingly, reconsideration and withdrawal of the rejection are respectfully requested.

C. Hönel

The Office Action rejects claims 1–7, 9, 10, 14, 15, 17, and 18 under 35 U.S.C. §102(b) over U.S. Patent No. 5,055,542 to Hönel et al. ("Hönel"). Applicants respectfully traverse the rejection.

Claim 1 is amended to contain the subject matter of claim 8, which is not rejected under 35 U.S.C. §102(b) over Hönel. Hönel does not expressly or inherently describe each and every element of claim 1. Therefore, Hönel cannot be said to anticipate claim 1 as amended.

Hönel does not disclose the polyamine derivative as defined by claim 9. Despite the Office Action's assertion that Hönel inherently discloses the structure as set forth in Formula II as recited in claim 9, Hönel cannot be said to anticipate claim 9. As acknowledged in the Office Action, Hönel does not disclose a formula for a polyamine derivative. Claim 9 is not a method claim or a product-by-process claim. The assertion that Hönel discloses a process as recited in some other claim of the present application, whether true or not, has no relevance as to the examination and patentability of claim 9.

Hönel does not anticipate claims 1 and 9. Claims 2–7, 10, 14, 15, 17, and 18 depend variously from claims 1 and 9 and, thus, also are not anticipated by Hönel. Accordingly, reconsideration and withdrawal of the rejection are respectfully requested.

D. Engel

The Office Action rejects claims 1, 3, 5, 10, 17, and 18 under 35 U.S.C. §102(b) over U.S. Patent No. 4,758,615 to Engel et al. ("Engel"). Applicants respectfully traverse the rejection.

Claim 1 is amended to contain the subject matter of claim 8, which is not rejected under 35 U.S.C. §102(b) over Engel. Engel does not expressly or inherently describe each and every element of claim 1. Therefore, Engel cannot be said to anticipate claim 1 as amended.

Engel does not anticipate claim 1. Claims 3, 5, 10, 17, and 18 depend from claim 1 and, thus, also are not anticipated by Engel. Accordingly, reconsideration and withdrawal of the rejection are respectfully requested.

E. Hönig

The Office Action rejects claims 1, 2, 5, 10 and 16-18 under 35 U.S.C. §102(b) over U.S. Patent No. 5,369,190 to Hönig et al. ("Hönig"). Applicants respectfully traverse the rejection.

Claim 1 is amended to contain the subject matter of claim 8, which is not rejected under 35 U.S.C. §102(b) over Hönig. Hönig does not expressly or inherently describe each and every element of claim 1. Therefore, Hönig cannot be said to anticipate claim 1 as amended.

Hönig does not anticipate claim 1. Claims 2, 5, 10 and 16-18 depend from claim 1 and, thus, also are not anticipated by Hönig. Accordingly, reconsideration and withdrawal of the rejection are respectfully requested.

New Claims


By this Amendment, new claim 19 is presented. New claim 19 is believed to be patentable over the applied references. Prompt examination and allowance of new claim 19 are respectfully requested.

Conclusion

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1-10 and 13-18 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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WPB:JRB/hs

Attachment:

Petition for Extension of Time

Date: August 24, 2006

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